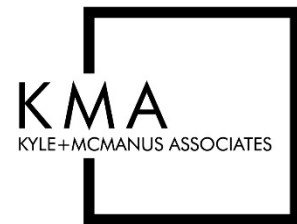


October 2, 2020

Town of Clinton Land Use Board (via e-mail)  
43 Leigh Street  
Clinton, NJ 08809



POLICY  
PLANNING  
DESIGN

**Re: Old 22 Urban Renewal Associates, LLC  
Preliminary and Final Site Plan  
Block 21, Lots 29, 30.01, 31, 32 and 33  
Town of Clinton – A&P Redevelopment Area**

Dear Board Members:

Pursuant to the Board's request, we have reviewed the above captioned matter for compliance with the Redevelopment Plan for the Former A&P Supermarket, along with the Land Use Ordinance of the Town of Clinton. These comments are based on the material submitted by the applicant, including the following:

1. Preliminary Site Plan application, dated 8/17/2020, prepared by Katharine A. Coffey, Esq.
2. Final Site Plan application, dated 8/12/2020, prepared by Katharine A. Coffey, Esq.
3. Development Review Checklist.
4. Preliminary and Final Site Plan, prepared by Brett W. Skapinetz, PE and Stephen L. Schwartz, PE, Dynamic Engineering, dated 8/13/2020 and last revised September 22, 2020, consisting of 18 sheets.
5. Architectural Floor Plans and Elevations, prepared by Michael R. Donovan, RA, Haley Donovan, dated 8/13/2020 and last revised September 23, 2020, consisting of 7 sheets.
6. Alta/NSPS Land Title Survey, prepared by Craig Black, PE, PLS, Dynamic Survey, dated 9/27/2019.
7. Landowner's Consent Certification for Lots 30.01, 21, 32 and 33, dated 8/17/2020.
8. Landowner's Consent Certification for Lot 29, dated 8/14/2020.
9. Old 22 Urban Renewal Associates, LLC Application Addendum, undated.
10. Town of Clinton Escrow Agreement, undated.
11. Corporate Ownership Disclosure Statement, undated.
12. Certification of properties located within 200', dated March 31, 2020.
13. Request for tax certifications, dated 8/17/2020.
14. Jurisdictional Wetlands Determination, dated March 9, 2020, prepared by Ed Kuc, Principal Ecologist, Eastern States Environmental.
15. Transmittal letter for Hunterdon County SCD Certification, dated 8/14/2020.
16. Transmittal letter for Hunterdon County Planning Board application, dated 8/14/2020.
17. Correspondence from Arthur Dysart, Superintendent of Water and Roads, dated March 10, 2020.
18. Will-serve letter from Jersey Central Power & Light, dated February 28, 2019.
19. Will-serve letter from Elizabethtown Gas, dated February 26, 2019.
20. Traffic Impact Study, prepared by Craig W. Peregoy, PE and Corey M. Chase, PE, Dynamic Traffic, dated August 13, 2020.
21. Environmental Impact Statement, prepared by Brett W. Skapinetz, PE, Dynamic Engineering, dated August 2020.
22. Stormwater Management Facilities Operation and Maintenance Manual, prepared by Brett W. Skapinetz, PE, Dynamic Engineering, dated August 2020.
23. Stormwater Basin Area Investigation Report, prepared by Peter H. Howell, PE, and Patrick J. Granitzki, PE, Dynamic Earth, dated April 10, 2020.

24. Report of Phase I Carbonate Rock Study, Prepared by Peter H. Howell, PE, and Alicia Plinio, Dynamic Earth, dated May 8, 2020.
25. Stormwater Management Summary, prepared by Brett W. Skapinetz, PE, Dynamic Engineering, dated August 2020.

The applicant is requesting preliminary and final site plan approval for redevelopment of the former A&P grocery store. According to the plans submitted, the proposal includes construction of 120 apartments consisting of 65 one-bedroom, 50 two-bedroom and 5 three-bedroom apartments plus 5 retail suites totaling approximately 5,469 square feet in area (as shown on the architect's plan). A single four-story structure is contemplated with the retail space facing Old Highway 22. The first floor includes apartments, amenity space, a lobby, offices, a coffee room, utility room and trash and maintenance space. A pool and outdoor space is provided at the rear of the first floor and the front of the building includes an outdoor retail plaza, a café patio outside the coffee room and a green situated behind a wall and water feature located at the southeast corner of the structure. The second, third and fourth floors are served by three staircases and two elevators, and each floor contains utility, electric and trash rooms.

As depicted on the site plan, access to the property is through a single full-movement driveway at the east side of the site along Old Highway 22. Two emergency access driveways consisting of grass pavers are proposed at the western side of the site along Old Highway 22 and behind the Napa Auto Parts store directly to the east on Lot 30. The latter emergency access is intended to meet the Flood Hazard Area requirements to provide egress from the site should the Beaver Brook flood.

The majority of the site's parking would be situated at the rear of the building, with single and half bays of parking located to the south, east and west of the structure. A total of 208 parking spaces are proposed, with 24 spaces provided at the front of the site to service the retail space. Handicapped-accessible parking stalls are provided in the rear parking court (5 spaces) and in the parking area in front of the retail space (2 spaces).

In conjunction with development of the site, the applicant proposes significant landscaping and buffering as well as new lighting. All lighting proposed on site consists of energy-efficient LED fixtures. Two 10'x10' trash enclosures are proposed at the rear of the building in the east and west parking areas. It is our understanding that trash is handled internally within the building, and these are provided as overflow areas and will not be regularly utilized for deposit of trash and recyclables by residents.

The existing single-family home in the northeast corner of the site is to be utilized by on-site property management as overflow office and maintenance space. As detailed later in this report, such use is permitted under the redevelopment plan requirements.

## **1. Subject Property**

1.1. Totalling 5.64 acres, the site has approximately 475' feet of frontage along Old Highway 22 and extends 550' north from the roadway. At present, the site contains an existing structure totaling approximately 27,000 square feet that formerly contained the A&P supermarket, a single family historic house in the northeast corner of the site and parking and loading areas along with a detention basin along the roadway. While there are no wetlands on-site, the front portion of the property is affected by the 100-year floodplain of the Beaver Brook, located south of Old Highway 22. The location of the floodplain limits the ability of the applicant to locate the structure immediately fronting the roadway. The rear of the site is characterized by a sharp slope that rises north to Center Street. Homes adjacent to the site to the north are as much as 36' above the highest

point of any proposed improvements. There is significant forest area located on the slope, although its condition is uncertain.

## **2. Land Use and Zoning Requirements**

2.1. The property is located in the larger Old Highway Redevelopment Area, and a redevelopment plan was recently adopted by Mayor and Council specific to the subject properties, entitled "Redevelopment Plan for the Former A&P Supermarket". The requirements of the redevelopment plan supercede the underlying C-4 and R-2 zoning otherwise applicable to the site, however certain portions of the zoning ordinance and site plan standards must still be met with the proposed development. These are detailed where appropriate on the following pages. It is worthwhile to note the following objectives, which are intended to guide redevelopment of the A&P parcels within the Old Highway Redevelopment Area.

1. Provide a meaningful redevelopment opportunity with a mix of residential and limited nonresidential uses at the former A&P site that supports and complements Main Street.
2. Provide opportunity for the creation of affordable housing in the form of multi-family rentals to help the Town continue to address its ongoing constitutional obligation to provide such opportunity.
3. Ensure that any redevelopment in the area is compatible with the architecture, style, scale and character of the nearby Historic District as well as the intended character of Old Highway 22.
4. Improve the pedestrian environment along Old Highway 22 and provide strong walking and biking connections to Main Street and the school.
5. Narrow the visual corridor along Old Highway 22 by pulling buildings as close to the roadway as NJDEP flood hazard regulations will allow.
6. Encourage the location of the majority of parking areas behind buildings and limit the prominence of parking as viewed from Old Highway 22.
7. Utilize pedestrian improvements, landscape treatments and street trees to improve the appearance of the Old Highway 22 corridor.
8. Incorporate design features that reduce the impact of redevelopment of the area on homes along Center Street, particularly as it relates to noise, lighting and visual impact.
9. Provide, to the greatest extent practical, interconnection between the redevelopment site and adjacent parcels for both automobiles and pedestrians.

2.2. Principal permitted uses in the redevelopment plan consist only of mixed-use development containing multi-family housing not to exceed 120 units and a minimum of 6,000 square feet of nonresidential floor area. Single-family dwellings existing at the time of adoption of the plan are permitted to continue as a residential use or be converted to any of the permitted nonresidential uses. Within mixed use development, the following nonresidential uses are permitted:

- i. Stores and shops for retail business
- ii. Offices for business, executive, professional and administrative purposes, including offices for leasing or management agencies associated with the project
- iii. Restaurants, cafes and taverns in which patrons are seated at tables or counters and are served food and drink by waiters or waitresses for consumption on the premises
- iv. Winery, brewery and distillery uses conducted under license from the New Jersey Division of Alcoholic Beverage Control and including such facilities as wine, spirit or beer making, tasting rooms and retail sales.
- v. Studios for art, dancing, music, language, photography, and similar activities
- vi. Laundries and dry-cleaning establishments using nonflammable solvents and employing less

than five persons

- vii. Food markets, excluding convenience stores
- viii. Day spa
- ix. Health and fitness centers
- x. Municipal or other public uses

2.3. As outlined in the redevelopment plan, the following accessory uses are permitted at the site:

1. Off-street parking
2. Signs
3. Fences and walls
4. Light fixtures
5. Outdoor dining
6. Carports intended to support solar panels
7. Solar panels mounted to a roof or carport
8. Electric vehicle charging stations
9. Community and rooftop gardens
10. Rooftop decks and patios
11. Plazas
12. Open space, either public or private, including but not limited to rooftop decks, plazas, parks and play equipment.
13. A private swimming pool operated by a management company or condominium association solely intended for residents or tenants of the development
14. Uses customarily incidental to a permitted use
15. Cellular antennas and satellite dish antennas are strictly prohibited

2.4. The redevelopment plan requires a minimum of 20% of the total new units constructed on-site to be affordable to low- and moderate-income households. As the redeveloper is providing 24 affordable housing units, this requirement is met. It is important to note that development of this site in the general manner proposed is a critical component of the Town of Clinton's overall affordable housing plan and settlement agreement with Fair Share Housing Center. This will be the first site addressing the Town's Third Round Obligation of 116 affordable units and is a critical step in demonstrating the Town's continuing commitment to meeting its ongoing constitutional obligation to provide affordable housing.

2.5. Section E of the redevelopment plan sets forth requirements related to permitted building height and requires a minimum height of 2 stories and a maximum of 4 stories and 50'. It further notes "Any principal structure that is within 75' of Old Highway 22 shall inset a minimum of 50% of any 4<sup>th</sup> story from the main building face by a minimum of 10'. Inset areas may consist of rooftop decks, patios and gardens." In reviewing the architectural plans submitted, while it is clear the proposed structure complies with the 4 story limitation, the overall building height is not dimensioned on the plans such that compliance with the 50' limitation can be determined. The applicant's architect should address this in direct testimony, but the plans should be revised in any event to include this information. The architect should provide testimony addressing the inset requirements noted above such that compliance can be determined.

2.6. Section F of the redevelopment plan sets forth area, yard and bulk requirements for the redevelopment project. These are noted in the table on the following page along with conditions

proposed with development of the site. We would note the applicant is not seeking relief from any of these requirements.

Standard	Redevelopment Plan Requirement	Existing	Proposed
Minimum lot area (mixed-use development)	200,000 s.f.	245,751 s.f.	245,751 s.f.
Minimum front yard	30'	230.6'	82.2'
Minimum rear yard	50'	60.1'	72.7'
Minimum side yard	50'	15.9'	52'
Maximum building coverage	25%	11.9%	15.5%
Maximum impervious surface coverage	60%	45.6%	54.2%
Maximum floor area ratio	0.85	0.13	0.59

2.7. Section F.10 of the area, yard and bulk requirements sets forth a requirement for a 50' landscape buffer along the common property line with Lots 12, 12.01, 13, 14, 15 and 16. The buffer is to consist of a mix of existing vegetation (retained where practical and renovated where necessary) and evergreen trees "to provide a visual barrier to residential homes located along Center Street". It is my understanding the applicant has had several meetings with some of the residents along Center Street, and the latest revised landscape plan is intended to reflect those discussions. As indicated on Sheet 8 of the site plan, the landscape plan now includes additional plantings along the common property line consisting of a mix of holly, cedar and green giant arborvitae. Farther down the slope, additional evergreens are proposed, including cypress, arborvitae and cedar. Medium-size poplar and ornamental red bud and dogwood trees are also proposed within the buffer area. Based on our review of the standards and the landscape plan, we believe the requirement to provide a 50' buffer is met and that the buffer plantings proposed will provide an effective visual barrier. We would however suggest that our office work with the applicant post-installation to assess any areas where additional buffering may be needed. Often adjustments are required, although we would not expect them to be significant in nature.

2.8. Section F.11 of the area, yard and bulk requirements outlines parking and loading standards. While the majority of these requirements are met, the site plan does not appear to indicate a separate loading area measuring 10' in width by 30' in length as required. If a designated loading area is not provided, a variance is necessary. The applicant should discuss if a loading area can be provided to service the nonresidential space. Also, while the 208 spaces provided meets the redevelopment plan standard of 1.5 spaces per unit and 1 space per 250 square feet of nonresidential floor area, a de minimis exception is required from the New Jersey Residential Site Improvement Standards, as under these standards, a greater number of parking spaces would be required. This is discussed further later in this memo.

**3. Site Plan Comments**

3.1. While we have undertaken review of the entire redevelopment plan and ordinance, comments provided below do not address all site plan requirements. We defer to the Board Engineer for a more detailed review of the site plan standards and comments on lighting, drainage and site improvements. Likewise, we defer all comments on building architecture to the Board's architectural consultant. Other comment letters have been received from the Police Department, Environmental Commission, Fire Official and the Historic Preservation Commission. Comments in those review letters should be separately addressed by the applicant through testimony at the public hearing. Our

review is focused on planning issues related to signage and landscaping along with other relevant comments for the applicant and Board to consider at the public hearing.

- 3.2. The large cedars proposed along Old Highway 22 adjacent to the parking stalls should be replaced with either Boxwood or PJM Rhododendron. The intent of the requirement in the redevelopment plan is to shield cars on the roadway from headlights shining from those spaces oriented towards the street. Smaller evergreen shrubs are sufficient to meet this purpose and will provide a nicer appearance along the site frontage and not interfere with the proposed street trees in this area.
- 3.3. The Colorado Blue Spruce proposed should be replaced with Norway Spruce. Colorado Blue Spruce have been subject to blight locally, so an alternate is preferred. This replacement should also be considered for the Douglas Fir which also have performance issues. This represents a total of 19 trees.
- 3.4. The applicant's engineer should discuss slope stabilization measures for the area at the rear of the site. We note slopes between the two retaining walls are very steep, and groundcover of some sort may help stabilize the area better.
- 3.5. Section G.5.ii of the Design Standards of the redevelopment plan requires fencing of the trash enclosures to match the architectural style of the building. We note a masonry enclosure is proposed with a steel gate. The applicant should describe the materials and address their consistency with the proposed architecture of the main structure. We defer to the Board architect to comment on this requirement.
- 3.6. Section G.5.iii of the Design Standards requires that trash enclosures be located a minimum of 5' from any side lot line and 50' from any rear lot line. As depicted, the trash enclosure on the west side of the building is within 50' of what amounts to a rear lot line with Lot 11. A waiver from the design standards is required.
- 3.7. The applicant should address whether any ground-level mechanical equipment is proposed, as none is depicted on the site plan. Also, is a generator proposed or anticipated to be installed in the future?
- 3.8. A stronger connection to sidewalk along the frontage of the site should be provided near the southwest corner of the site. Children will be walking to school in this direction so there needs to be a better relationship between the public sidewalk and on-site sidewalks.
- 3.9. The redevelopment plan permits signs in accordance with those regulations applicable in the C-4 Commercial Zone District, §88-64F. We would note the following:
  - 3.9.1. §88-64F(6)(g)[1] requires ground signs to include two square feet of planting area for every one foot of sign area. With a 24 square foot sign, this equates to 48 square feet of planting area. The applicant should confirm compliance with this requirement.
  - 3.9.2. There are no details provided for tenant sign areas, as it is likely premature. The signage requirements for the C-4 Commercial Zone permit nameplate and directory signs, walls signs, awning signs, projecting signs and window signs, all subject to their own requirements. The applicant should indicate if the intent is to comply with these standards for future tenants of the nonresidential space. These could be addressed under zoning permits or the applicant will need to return to the Board for specific relief if variances are necessary.
  - 3.9.3. A second ground sign is proposed on the decorative wall and water feature in the southeast corner of the site. As only one ground sign is permitted under §88-64F(6), a variance would be required for a second ground sign. The applicant should provide the details for this sign including size and whether it will be internally illuminated similar to the main ground mounted identification sign for the site. We have no objection to this sign, as it does not appear any additional building-mounted signs other than those for nonresidential tenants is proposed.
- 3.10. §88-64B(5) prohibits internal illumination of signs. It appears the ground-mounted sign at the entrance drive and perhaps the sign on the wall behind the water feature will have backlit letters, similar to what was approved for Unity Bank. This means light comes from behind the letters and

illuminates their outline on the sign surface rather than the letters and numbers themselves being illuminated from inside and glowing. The applicant should confirm this, however. As this is technically “internal illumination”, a variance is required.

- 3.11. The site plan depicts 5 electrical vehicle charging stations in the southwest corner of the parking area. While we have no concerns over their location, safety measures including any required bollards should be discussed. Is the proposed curb height in this area sufficient to protect the charging equipment from being hit by a vehicle? Additional measures may be needed and should be depicted on the site plan.
- 3.12. The applicant should describe their general management philosophy and detail the number of employees anticipated to be working at the site (not including the nonresidential tenant spaces). Information on the solid waste management and disposal process should also be discussed.
- 3.13. All affordable housing units are required to be managed and affirmatively marketed by the developer in accordance with requirements of the New Jersey Uniform Housing Affordability Controls and the Town’s Affordable Housing Ordinance. Appropriate deed restrictions must be supplied covering the minimum 30-year deed restriction period required.
- 3.14. The applicant is required to provide a maximum of 4 one bedroom and a minimum of 5 three bedroom affordable units, with the balance (15 units) being either two or three bedroom units. The project will be required to meet the affordability average of 52% of median income for the region in accordance with affordable housing provisions. The pricing strategy for the affordable units shall reflect this. The applicant should confirm that these requirements will be met.

#### **4. Consideration of Bulk Variances**

- 4.1. As noted, the applicant is requesting relief from standards contained in the redevelopment plan as well as those in the Land Use Ordinance. The redevelopment plan itself states that such relief should be considered in a manner similar to a bulk variance. The Board has the power to grant c(1) or hardship variances “(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, (b) or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon, the strict application of any regulations...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.” The Board may also consider the grant of c(2) variances where the purposes of the New Jersey Municipal Land Use Law would be advanced and the benefits of the deviation would substantially outweigh any detriment. In either case, the Board cannot grant “c” or bulk variances unless the negative criteria are satisfied, or that there is no substantial impact to surrounding properties (first prong) and the grant of the variance will not cause substantial impairment to the intent and purpose or goals and objectives of the redevelopment plan (second prong). Relative to the second prong of the negative criteria, the Board should consider the goals and objectives of the redevelopment plan, as referenced on Page 3 of this review memo in section 2.1.
- 4.2. The applicant is requesting c(2) or bulk variance relief for the proposed signage. Relative to the second prong of the negative criteria for the sign variances, the Land Use Ordinance, at §88-64A, sets forth the purpose, intent and scope of the sign requirements, which is reproduced below.
  - 4.2.1. §88-64A. **Purpose, intent and scope.** It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and nondiscriminatory sign standards. The sign regulations in this section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and

especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. In order to preserve and enhance the Town as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the Town is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of enhancing the visual environment of the Town and promoting its continued well-being, and are intended to:

- (1) Promote the free flow of traffic and protect pedestrians, bicyclists and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting or illegible signs.
- (2) Promote the use of signs that are aesthetically pleasing and of appropriate scale to the building(s) to which they relate.
- (3) Promote the use of signs that are integrated with the surrounding buildings and landscape.
- (4) Promote the use of signs that are compatible with the Town's historic character.
- (5) Provide functional flexibility, encourage variety and create an incentive to relate signage to basic principles of good design.
- (6) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic.
- (7) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs.
- (8) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain.
- (9) Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function.
- (10) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites.
- (11) Preserve, conserve, protect and enhance the aesthetic quality and scenic beauty of all districts of the Town.
- (12) Protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness or movement.
- (13) Protect property values by ensuring that sign types, as well as the number of signs, are in harmony with buildings, neighborhoods and conforming signs in the area.
- (14) Preserve and enhance the rural and historic character of the Town.

## **5. Consideration of Waivers**

- 5.1. As part of its application for site plan approval, the applicant has requested a waiver from the design standards contained in the Redevelopment Plan. Additional waivers may be required from the design standards in the Land Use Ordinance pending the Board Engineer's review. In consideration of any requested design waivers, the New Jersey Municipal Land Use Law, N.J.S.A 40:55D-51b permits the Land Use Board to "*...grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.*" The Court, in Garofalo v. Burlington Tp., 212 N.J. Super. 458 (Law Div. 1985) noted a waiver is simply an



acknowledgement the proposal is satisfactory relative to the site plan requirements. Waivers must be considered reasonable under the facts. The applicant should provide appropriate testimony to support the waiver(s) requested.

## **6. Consideration of the De Minimis Exception for Parking**

6.1. The applicant requires a de minimis exception from the New Jersey Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-4.14(b), Table 4.4 as to the required number of parking spaces. We calculate the required number of spaces for residential uses as 227 where 184 are proposed. The RSIS permits the Land Use Board to grant de minimis exceptions in accordance with the standards below, which are reproduced directly from the RSIS<sup>1</sup>.

### **§ 5:21-3.1 Exceptions**

**(a)** The municipal approving authority may grant by resolution of the planning board or zoning board of adjustment such de minimis exceptions from the requirements of the site improvement standards as may be reasonable and within the general purpose and intent of the standards if the literal enforcement of one or more provisions of the standards is impracticable or will exact undue hardship because of peculiar conditions pertaining to the development in question.

**(b)** An application for an exception pursuant to this section shall be filed in writing with the municipal approving authority and shall include:

1. A statement of the requirements of the standards from which an exception is sought;
2. A statement of the manner by which strict compliance with said provisions would result in practical difficulties; and
3. A statement of the nature and extent of such practical difficulties.

**(c)** Exceptions shall become a part of the construction documents and shall be retained by the municipal approving authority.

**(d)** Within 30 days of granting a de minimis exception request, a municipal approving authority agreeing to an exception pursuant to this section shall send a copy of the document(s) constituting the de minimis exception resolution and/or document to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Broad Street, PO Box 802, Trenton, NJ 08625-0802. Such notice shall be clearly marked "Site Improvement Exception(s)." A copy of the planning or zoning board's resolution of approval for the subdivision is sufficient notification of such exception, provided that it clearly identifies the requirement(s) of the site improvement standards from which the development varies and the reason(s) for the exception.

**(e)** An application for an exception may also be made by an officer or agency of the municipality.

**(f)** Examples of de minimis exceptions include, but are not limited to, the following:

1. Reducing the minimum number of parking spaces and the minimum size of parking stalls;
2. Reducing the minimum geometrics of street design, such as curb radii, horizontal and vertical curves, intersection angles, centerline radii, and others;
3. Reducing cartway width; and
4. Any changes in standards necessary to implement traffic calming devices.

**(g)** The municipal approving authority's granting of a request for a de minimis exception shall be based on a finding that the requested exception meets the following criteria:

1. It is consistent with the intent of the Site Improvement Act;
2. It is reasonable, limited, and not unduly burdensome;
3. It meets the needs of public health and safety; and

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<sup>1</sup> Accessed and reproduced on 9/20/19 at <https://www.state.nj.us/dca/divisions/codes/offices/rsis.html>

4. It takes into account existing infrastructure and possible surrounding future development.

**7. Summary of Relief**

7.1. The applicant requires the following waivers, variances and exceptions, as noted. Additional relief may be required pending the Board Engineer's review of the project.

7.1.1. A variance from Section F.11.viii of the Redevelopment Plan, where a 10'x30' loading area is required and not provided.

7.1.2. A waiver from Section G.5.iii of the Design Standards of the Redevelopment Plan, to permit a trash enclosure to be located within 3.8' of a rear yard where 50' is required.

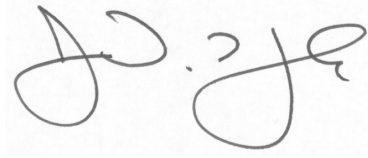
7.1.3. A variance from §88-64F(6) to permit a second ground sign, as only one is permitted.

7.1.4. A variance from §88-64B(5) to permit internal illumination of the ground signs.

7.1.5. A de minimis exception for the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-4.14(b), Table 4.4, where 227 residential parking spaces are required and only 184 are provided.

We look forward to the applicant's presentation and reserve the right to provide additional comment pending discussion of the comments contained in this review memorandum and discussion with the Board and public. Should you wish to discuss this or any other matter, please feel free to contact us via e-mail at [jkyle@kylemcmannus.com](mailto:jkyle@kylemcmannus.com) or by phone at 609-257-6706.

Sincerely,



James T. Kyle, PP/AICP  
Town Planner

Cc: Allison Witt, Board Secretary (via e-mail)  
Bob Clerico, PE, Board Engineer (via e-mail)  
Katie Razin, Esq, Board Attorney (via e-mail)  
Geoff Long, Applicant (via e-mail)  
Katharine Coffey, Esq, Applicant's Attorney (via e-mail)  
Brett Skapinetz, PE, Applicant's Engineer (via e-mail)  
Michael Donovan, RA, Applicant's Architect (via e-mail)